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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,699	08/22/2001	Satoru Okamoto	SEL 273	9139

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COOK, ALEX, MCFARRON, MANZO  
CUMMINGS & MEHLER, LTD.  
Suite 2850  
200 West Adams St.  
Chicago, IL 60606

EXAMINER

DUONG, THOI V

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,699

Applicant(s)

OKAMOTO ET AL.

Examiner

Thoi V Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19, 20 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 19, line 4, "the reflection liquid crystal display device" lacks antecedent basis and renders the claim indefinite.

Claims 20 and 23 are rejected as depending on rejected base claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

**Claims 1, 2, 4-9 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsura (USPN 6,377,324 B1).**

As shown in Figs. 1 and 2, Katsura discloses a portable electronic device comprising: a cover member comprising a first liquid crystal display (LCD) device 2 for displaying an image; and a second LCD device 1 comprising a touch input operational portion (col. 5, lines 13-16), wherein the cover member and the second display device are attached to each other in a longitudinal direction or in a lateral direction,

wherein the first display device also comprises a touch input operational portion (col. 5, lines 13-16).

**Claims 19, 20, and 23-27 are rejected under 35 U.S.C. 102(b) being anticipated by Yabe et al. (USPN 4,809,078).**

As shown in Figs. 1 and 2, Yabe discloses a portable electronic device comprising: a cover member comprising an EL panel 60 and a LCD panel 51 for displaying an image; and a reflection display device 22, wherein the cover member and the reflection liquid crystal display device are attached to each other so as to allow opening and closing, and wherein the reflection display device is made to display by irradiating light emitted from the EL display device,

wherein the reflection display device and the LCD panel comprises a touch input operational portion (col. 4, lines 21-30, col. 5, lines 31-35);

wherein the EL display device picks up and displays an image (col. 1 lines 54-68, col. 2 lines 1-3);

wherein the portable electronic device comprises an antenna 27 (communication function).

**Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Kim (USPN 6,262,785 B1).**

As shown in Fig. 19, Kim discloses a portable electronic device comprising: a first device 201; a second display device 209; and a third display device 207 provided between the first display device and the second display device, wherein the first device, the second display device, and the third display device are attached to each other so as to allow opening and closing. Since the first device 201 is a keyboard frame, it is inherent that the device also comprises a display device to indicate the on/off status of the caps lock, etc. as shown in Fig. 11.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10, 11, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsura in view of Flannery (US Pub. No. 2002/0086711 A1).**

Katsura discloses a portable electronic device that is basically the same as that recited in claims 10, 11, 21 and 22 except for a system for identifying a user, and a communication function. As shown in Fig. 1, Flannery discloses a portable phone comprising a primary display 6, a keypad 10, an auxiliary display 6 which is adapted to show a caller ID information of a caller (page 2, paragraph 18), an antenna 12, a speaker 14, and a microphone 16 for communication functions. Thus, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Katsura with the teaching of Flannery by employing such a system for identifying a user so as to prevent non-subscribed users from accessing the portable electronic device.

**Claims 3 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsura in view of Kim (USPN 6,262,785 B1) and Flannery (US Pub. No. 2002/0086711 A1).**

Katsura discloses a portable that is basically the same as that recited in claims 3 and 16-18 except for a third display device and a system for identifying a user.

As shown in Fig. 19, Kim discloses a portable electronic device comprising: a first display device 209, a second device 201; and a third LCD device 207 provided between the first display device and the second display device, wherein the first device, the second display device, and the third display device are attached to each other so as to allow opening and closing. Since the second device 201 is a keyboard frame, it is inherent that the device also comprises a display device to indicate the on/off status of the caps lock, etc. as shown in Fig. 11.

Meanwhile, as shown in Fig. 1, Flannery discloses a portable phone comprising a primary display 6, a keypad 10, an auxiliary display 6 which is adapted to show a caller ID information of a caller (page 2, paragraph 18), an antenna 12, a speaker 14, and a microphone 16 for communication functions. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of

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Katsura with the teaching of Flannery by employing such a system for identifying a user so as to prevent non-subscribed users from accessing the portable electronic device.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

Thoi Duong

08/12/2002



**William L. Sikes  
Supervisory Patent Examiner  
Technology Center 2800**